IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 16800 of 2004

Between:

S. Satyavathi D/o S.S. Prakash
O/o Regional Information Engineer, Ongole Prakasam District Durgabhai

Deshmukh Colony, Hyderabad

..... PETITIONER

AND

1 Secretary to Government of A.P. GAD., A.P. Secretariat, Hyderabad
2 Commissioner, Information and Public Relations Department, Sanchar Bhavan,

Hyderabad-28.
3 The Regional Information Engineer, Ongole, Prakasam District
4 The Accountant General-I, Andhra Pradesh, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly writ of mandamus directing the respondents to regularise the leave period and to pay the leave salary, to release increments accrued during 8 years and to fix up the pension and to release the entire pensionary benefits with 18% interest.

Counsel for the Petitioner:MR.A.V.S.RAMA KRISHNA

Counsel for the Respondents.: GP FOR SERVICES II

The Court made the following:

ORDER: (PER THE HON'BLE SRI JUSTICE J.CHELAMESWAR)

This writ petition is filed with the prayer as follows:

> "For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ, order or direction more particularly writ of mandamus directing the respondents to regularise the leave period and to pay the leave salary, to release increments accrued during 8 years and to fix up the pension and to release the entire pensionary benefits with 18% interest and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. The petitioner retired from service as A.E.I.E on superannuation on 13.01.2001. She complains that her pensionary benefits have not been settled, therefore, she filed O.A.No.3168 of 2002 before the

A.P. Administrative Tribunal (for short 'the Tribunal), the details of which are not necessary for the present purpose. It is further stated in the affidavit filed in support of the petition that the Tribunal by an order dated 21.03.2002 directed the respondents to pass appropriate orders regarding the regularization of the leave period to fix up pension and retirement benefits within eight weeks from the date of receipt of that order.

2. Complaining that the said order had not been complied with, the petitioner filed C.A.No.138 of 2003 in O.A.No.3168 of 2002. It appears that by an order dated 31.07.2003, the Tribunal passed an interim order directing the respondents to pay provisional pension to the applicant-petitioner herein. By an order, dated 09.10.2003, the second respondent passed an order sanctioning Anticipatory Pension.

One more C.A.No.389 of 2004 in O.A.No.3687 of 2003 was filed before the Tribunal for non-implementation of the order of the Tribunal dated 31.07.2003. The Tribunal, by an order dated 25.08.2004, closed the said Contempt Application.

3. If the petitioner is in any way aggrieved by the order of the Tribunal dated 25.08.2004, she has to pursue an appropriate remedy for the redressal of her grievance. A writ petition with the prayer such as the one extracted above is not maintainable in view of the decision of the Supreme Court in **L.CHANDRA KUMAR v. UNION OF INDIA .** We see no merits in this writ petition.

4. Accordingly, the writ petition is dismissed at the admission stage.

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J.CHELAMESWAR, J

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GODA RAGHURAM, J

Dated 01st November, 2004.

YCR/MRK

To

1 The Secretary to Government of A.P. GAD., A.P. Secretariat, Hyderabad
2 Commissioner, Information and Public Relations Department, Sanchar

Bhavan, Hyderabad-28.
3 The Regional Information Engineer, Ongole, Prakasam District
4 The Accountant General-I, Andhra Pradesh, Hyderabad

5. The Registrar, A.P. Administrative Tribunal, Hyderabad.

6. 2 CCs to G.P for Services II, High Court Buildings, Hyderabad. (OUT)

7. 2 C.D. copies.